

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**November 24, 2003**

**IN RE:**

**PETITION OF CHATTANOOGA GAS COMPANY,  
NASHVILLE GAS COMPANY, A DIVISION OF  
PIEDMONT GAS COMPANY, AND UNITED  
CITIES GAS COMPANY, A DIVISION OF ATMOS  
ENERGY CORPORATION, FOR A  
DECLARATORY RULING REGARDING THE  
COLLECTIBILITY OF THE GAS COST PORTION  
OF THE UNCOLLECTIBLE ACCOUNTS UNDER  
THE PURCHASE GAS ADJUSTMENT ("PGA")  
RULES**

**DOCKET NO.  
03-00209**

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**ORDER GRANTING IN PART MOTION TO TAKE  
NOTICE OF DOCKETS**

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This matter is before the Pre-Hearing Officer on the *Petitioners' Motion for the Tennessee Regulatory Authority to Take Judicial Notice of Dockets* (the "*Motion*"), filed with the Tennessee Regulatory Authority (the "TRA") on November 14, 2003, in which Chattanooga Gas Company, Nashville Gas Company, and Atmos Energy Corporation (collectively the "Petitioners") request that the TRA take notice, pursuant to Tenn. Code Ann. § 4-5-313(6) and Tenn. R. Evid. 201, of the following documents "which show precedent for recovery of certain costs through the Actual Cost Adjustment of the Purchased Gas Adjustment Rules":

1. Docket Number 01-00802 – Application of United Cities Gas Company, Division of Atmos Energy, Inc., Nashville Gas Company, Division of Piedmont Natural Gas Company, Inc., and Chattanooga Gas Company for Approval of Deferred Accounting: Order Approving Deferral of

Uncollectible Accounts, dated January 29, 2002; Second Amended and Restated Joint Application for Approval of Treatment of Uncollectible Accounts; Amended and Restated Joint Application for Approval of Deferred Accounting; Joint Application for Approval of Deferred Accounting.

2. Docket Number 00-00618 – Chattanooga Gas Company Weather Normalization Adjustment Audit: Order Adopting WNA Audit Report of Authority Staff, dated September 15, 2000 (See Order page 1, paragraph 1 and Exhibit A, page 9.)
3. Docket Number 01-00591 – Chattanooga Gas Company Weather Normalization Adjustment Audit: Order Adopting WNA Audit Report of the Energy and Water Division of the Tennessee Regulatory Authority, dated November 14, 2001 (See Order, page 1, paragraph 2 which is continued on page 2).
4. Docket Number 02-00797 - Chattanooga Gas Company Weather Normalization Adjustment Audit: Order Adopting WNA Audit Report of the Energy and Water Division of the Tennessee Regulatory Authority, dated December 2, 2002 (See Order, page 3, paragraph 2 and Exhibit A, page 12, paragraph 3).
5. Docket Number 03-00373 - Chattanooga Gas Company Weather Normalization Adjustment Audit: Notice of Filing by the Energy and Water Division of the Tennessee Regulatory Authority, dated August 5, 2003 (See Notice, page 8); Transcript of Authority Conference, Monday, August 18, 2003 (See transcript from August 18, 2003 TRA Conference, pages 11-12).
6. Docket Number 99-00994 – Application of Nashville Gas Company, a Division of Piedmont Natural Gas Company, Inc., for an Adjustment of its Rates and Charges, the Approval of Revised Tariffs and the Approval of Revised Service Regulations: Order Approving Application, dated July 18, 2000 (See page 11, item number 7); Joint Motion for Approval of Implementation of Settlement, filed May 18, 2000; cover letter from Jerry W. Amos, dated May 18, 2000; Motion and Stipulation with all Exhibits (See Exhibit D to Stipulation, Affidavit of Dan McCormack).

Under Tenn. Code Ann. § 4-5-313(6), the TRA may take official notice of the following:

- (A) Any fact that could be judicially noticed in the courts of this state;
- (B) The record of other proceedings before the agency;
- (C) Technical or scientific matters within the agency's specialized knowledge; and

- (D) Codes or standards that have been adopted by an agency of the United States, of this state or of another state, or by a nationally recognized organization or association.

The Pre-Hearing Officer finds that the above-referenced requests comply with the criteria of subsection (B) and concludes that official notice is, therefore, appropriate under this subsection, so long as the Petitioners file in this Docket each of the associated documents for the purpose of creating a complete and accurate record.

Tenn. R. Evid. 201 pertains to judicial notice of adjudicative facts. The Pre-Hearing Officer finds that judicial notice under this rule of the above-referenced documents is neither appropriate nor necessary and, therefore, concludes that the request to take judicial notice should be denied.

Having received no response to the Petitioners' *Motion*,

**IT IS THEREFORE ORDERED THAT:**

1. Official notice is hereby taken in this Docket of the documents referenced above.
2. All documents of which official notice will be taken shall be filed in this Docket by Petitioners no later than 2 p.m. on Monday, December 1, 2003.
3. The request to take judicial notice is hereby denied.



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Kim Beals, Counsel  
as Pre-Hearing Officer